



THOMAS J. VILSACK
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

April 20, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

Senate File 2179, an Act relating to ethics laws and the Iowa Ethics and Campaign Disclosure Board.

Senate File 2289, an Act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

Senate File 2306, an Act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provisions.

The above Senate Files are hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Vilsack".

Thomas J. Vilsack
Governor

TJV:jmc

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 2306

AN ACT

RELATING TO CIVIL ACTION APPEAL BONDS AND INCLUDING MONETARY LIMITS, AND INCLUDING AN EFFECTIVE AND APPLICABILITY DATE PROVISION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 625A.9, subsection 2, Code Supplement 2003, is amended to read as follows:

2. a. If Except as provided in paragraph "b", if the judgment or order appealed from is for money, such bond shall not exceed one hundred ten percent of the amount of the money judgment.

The court may set a bond in an amount in excess of one hundred ten percent of the amount of the money judgment upon making specific findings justifying such an amount, and in doing so, shall consider, but shall not be limited to consideration of, the following criteria:

(1) The availability and cost of the bond or other form of adequate security.

(2) The assets of the judgment debtor and of the judgment debtor's insurer or indemnitor, if any.

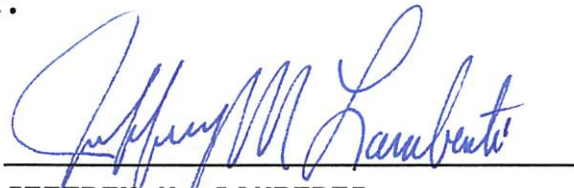
(3) The potential adverse effects of the bond on the judgment debtor, including, but not limited to, the potential adverse effects on the judgment debtor's employees, financial stability, and business operations.

(4) The potential adverse effects of the bond on the judgment creditor and third parties, including public entities.

(5) In a class action suit, the adequacy of the bond to compensate all members of the class.

b. Notwithstanding paragraph "a", in no case shall a bond exceed one hundred million dollars, regardless of the value of the money judgment. This limitation shall not apply in cases where the court finds that the defendant intentionally dissipated the defendant's assets outside the ordinary course of business for the purpose of evading payment of the judgment.

Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act, being deemed of immediate importance, takes effect upon enactment and applies to cases pending and filed on or after the effective date of this Act.



JEFFREY M. LAMBERTI
President of the Senate



CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2306, Eightieth General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 20, 2004



THOMAS J. VILSACK
Governor